

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

The proposed regulations implement changes consistent with the objectives of Assembly Bill (AB) 1603 (Chapter 25, Statutes of 2016) amending Section 11450(f)(3)(E)(i) of the Welfare Institutions (W&I) Code.

Section 44-211.51

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance (HA) benefits and specify that HA is now available once every 12 months to eligible recipients.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA and now provides that a CalWORKs Assistance Unit (AU) may receive temporary HA, permanent HA or both every 12 months.

Final Modification:

Following the public hearing, CDSS is making a change to clarify that the temporary shelter payment is only available during the consecutive 16-day period. Previously, the regulations referred to “this period”, but because there is now also a reference to a 12-month period of eligibility, this change was necessary to clearly specify that the temporary homeless assistance benefits are only available during the consecutive 16-day period. This clarifying change is non substantive and does not change the intent of the regulations.

Section 44-211.513

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs HA benefits and specify that HA is now available once every 12 months to eligible recipients. This section is further amended to clarify that the initial issuance of

temporary shelter and/or permanent housing payment represents the beginning of the 12-month period for HA.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA and provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months. This policy is necessary in order to establish a statewide rule for all counties to use in order to accomplish statewide consistency in the administration of the CalWORKs Program.

Final Modification:

Following the public hearing, CDSS is changing a reference from 44-211.52 to 41-211.522 to more specifically reference the situation where an AU can get temporary homeless assistance benefits after receiving a permanent homeless assistance payment. This section was further amended to remove a confusing sentence about what represents the beginning of the 12-month limit on eligibility for HA as this information is included in Section 44-211.513(b)(1).

Section 44-211.513(b)

Specific Purpose:

This section is amended to clarify that a period of homelessness, for CalWORKs HA purposes, is a 12-month period.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months.

Final Modification:

Following the public hearing, CDSS is removing the previous amendments to this section, which included adding the words “12-month” before the words “period of homelessness begins:”. The period of homelessness is not 12 months, the limit on eligibility is, so we removed our previous amendment.

Section 44-211.513(b)(1)

Specific Purpose:

This section is added in order to establish a beginning and end to the 12-month period for CalWORKs temporary and permanent HA as described in Manual of Policies and Procedures (MPP) section 44-211.513. It begins on the day the county issues the first payment of temporary shelter or permanent housing to the recipient or landlord and ends 12 months later.

Factual Basis:

This section is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603. This section is necessary in order to clarify the 12-month period for temporary and permanent HA. This policy is necessary in order to establish a statewide rule for all counties to use in order to accomplish statewide consistency in the administration of the CalWORKs Program.

Final Modification:

Following the public hearing, CDSS is clarifying this section to clearly differentiate between the period of homelessness and the 12-month period of eligibility. This section explains when the period of homelessness begins and CDSS has added a separate sentence stating that the beginning of the period of homelessness also marks the beginning of the 12-month limit on eligibility.

Section 44-211.513(b)(2) Renumbered from Section 44-211.513(b)(1)

Specific Purpose:

This section is amended in order to remove the reference to the once-in-a-lifetime restriction placed on CalWORKs permanent and temporary HA, which has been repealed. This section further amends an incorrect reference to MPP section 44-211.535 and changes it to read MPP section 44-211.538, which is the appropriate regulation reference to security deposits. This sub-section has also been renumbered to (2) for clarity.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime HA benefit and changes it to once every 12 months. Currently, this regulation section references an incorrect section within regulations and must be amended in order to reference the appropriate regulation section.

Final Modification:

Following the public hearing, for clarity, CDSS is removing the previous addition of “temporary shelter or permanent housing” and instead just referring to “the once every 12-month benefit.”

Section 44-211.513(b)(3) Renumbered from Section 44-211.513(b)(2)

Specific Purpose:

This section is amended in order to remove the reference to the once-in-a-lifetime restriction placed on CalWORKs HA benefits and to specify that the 12-month period for HA based on an exception also begins on the day the county issues the first payment of temporary shelter or permanent housing. This sub-section has been renumbered to (3).

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) and with W&I Code section 11450(f)(3)(E)(iii) as adopted by AB 1603, which repealed the once-in-a-lifetime CalWORKs HA benefits.

Final Modification:

Following the public hearing, CDSS is amending this section for clarity. The previous amendments were confusing the period of homelessness with the 12-month limit on eligibility. Further, both regular HA and HA under an exception are limited to once every 12 months, so referring to both 12 month periods in the same sentence was potentially confusing.

Final Modification:

Section 44-211.513(c):

Specific Purpose:

This section is amended to change a reference from 44-211.52 to 44-211.522 in order to more accurately refer to the situation in which an AU would still be eligible for temporary HA despite having already received permanent HA. HA is granted for a continuous period of homelessness. Once a permanent HA payment has been made the period of homelessness is considered over, so the AU would not be eligible for additional HA benefits until the end of the 12-month limit on eligibility. This section specifies the exception to this rule.

Factual Basis:

Currently, this regulation section references an incorrect section within the regulations and must be amended in order to more clearly explain the exception for when a permanent HA payment ends the period of homelessness.

Section 44-211.514

Specific Purpose:

This section is amended to clarify that a CalWORKs AU may be eligible for further homeless assistance payments before the start of a new 12-month period, but only if they meet certain exceptional conditions.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months. Current regulations provide that once an AU has used their HA, they are no longer eligible for any further HA except under certain conditions.

Final Modification:

Following the public hearing, CDSS is amending this section for clarity. Rather than referring to a family not being eligible for HA until “the start of a new 12-month period,” this section now states that a family is not eligible for HA if they have received HA in the last 12 months. This section was also amended to remove the reference to having received HA “at any time” because these benefits are now available once a year.

Handbook Section 44-211.514(d)(1) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance regarding the implementation of CalWORKs HA changes. This section provides a detailed example as to how the HA 12-month period shall be determined. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period.

Final Modification:

Following the public hearing, CDSS is modifying the verbiage in this example to refer to the 12-month “limit on eligibility” rather than the 12-month “period,” to avoid confusing the limit on eligibility with the period of homelessness. The date of the end of the 12-month limit was also removed because the following sentence states when the family will be eligible for HA benefits again.

Handbook Section 44-211.514(d)(3) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance regarding the implementation of CalWORKs HA changes. This section provides a detailed example as to how the HA 12-month period shall be determined. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period.

Final Modification:

Following the public hearing, CDSS is modifying this example so it more clearly explains that a client can receive permanent HA after receiving temporary HA so long as it is the same instance of homelessness. These clarifications also clearly distinguish between the period of homelessness and the 12-month limit on eligibility.

Handbook Section 44-211.546(a) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance pertaining to the 12-month period of HA based on an exception in MPP section 44-211.541(b). The method for determining the 12-month period for exceptions is changing. This example provides that an exception is available once at any point during the 12-month period established for temporary and/or permanent HA. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period. The MPP section 44-211.54 and W&I Code section 11450(f)(3)(E)(iii) provide that additional HA payments may be issued if the AU meets an exception.

Final Modification:

Following the Public Hearing, CDSS is revising this example to refer to the “12-month limit on eligibility” rather than the “12-month period” in order to avoid confusing the period of homelessness with the 12-month limit on eligibility.

Handbook Section 44-211.546(c) (Example) Renumbered from Section 44-211.546(b)

Specific Purpose/Factual Basis:

This handbook example was amended in order to use current dates and to renumber the example to (c) rather than (b) in order to align with other handbook HA examples. The date when the AU may potentially be eligible to receive HA again has been added. These amendments are to establish clarity, but have no regulatory impact.

Final Modification:

Following the Public Hearing, CDSS is revising the language in this example to refer to the “once every 12-month rule” instead of the “once in 12-month” rule to be more grammatically correct.

c) Local Mandate Statement

These regulations do impose a mandate on local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives, as there were no other alternatives proposed.

The CDSS determined that no other reasonable alternatives were identified and brought to the attention of CDSS that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Additionally, the Legislature mandated that regulations be adopted for these amendments by AB 1603.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

f) 15-Day Renotice Statement

The CDSS did not renote these regulations because no changes requiring renote were made to the regulations following the public hearing. In addition, no comments were received during the 45-day public comment period.